

UNITED STATES DISTRICT COURT

Eastern District of New York

UNITED STATES OF AMERICA

- v -

Faustin Nsabumukunzi

Presiding Judge: **Joanna Seybert, Senior U.S.D.J.**Case No(s): **25-cr-0138-JS-LGD**Date: **4/24/2025**Start Time: **3:11 PM** Total Time: **1 hr.**

MINUTE ENTRY FOR A CRIMINAL PROCEEDING

SEALED PROCEEDING: ☐ Yes ☒ No

I. APPEARANCES:

Defendant (# 1): **Faustin Nsabumukunzi**☒ Present ☐ Not Present ☒ In Custody ☐ On Bond ☐ SurrenderedCounsel: **Evan Sugar**☐ Retained ☒ Federal Defender ☐ CJA ☐

Defendant (# _____): _____

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: _____

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (# _____): _____

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: _____

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (# _____): _____

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: _____

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (# _____): _____

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: _____

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (# _____): _____

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: _____

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (# _____): _____

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: _____

☐ Retained ☐ Federal Defender ☐ CJA ☐

Defendant (# _____): _____

☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered

Counsel: _____

☐ Retained ☐ Federal Defender ☐ CJA ☐Government: **Samantha Alessi, Katherine Onyshko, and****Brian Morgan**Interpreter(s): **Zéna Ntiranyibagira**Language: **Kinyarwanda**Pretrial Services: **Marnie Gerardino**Court Reporter(s): **Paul Lombardi**

Probation Dept.: _____

Other Appearances: _____

FTR Time(s): _____

Courtroom Deputy: **Eric L. Russo**

II. PROCEEDINGS HELD:

☒ In-Person☐ By Telephone☐ By Video☒ Arraignment (*see pg. 2*)☐ Bond Hearing (*see pg. 5*)☐ Curcio Hearing (*see pg. 3*)☒ Detention Hearing (*see pg. 5*)☐ Evidentiary Hearing (*see pg. 2*)☐ Fatico Hearing (*see pg. 2*)☒ Initial Appearance (*see pg. 2*)☐ Jury Deliberation (*see pg. 3*)☐ Jury Selection (*see pg. 3*)☐ Jury Trial (*see pg. 3*)☐ Motion Hearing (*see pg. 2*)☐ Plea Hearing (*see pg. 4*)☐ Pre-Trial Conference (*see pg. 2*)☐ Resentencing (*see pg. 4*)☐ Sentencing (*see pg. 4*)☐ Status Conference (*see pg. 2*)☐ Other Proceeding: _____

III. SUMMARY OF THE PROCEEDINGS:

- ☒ Arraignment _____ held as to the charges outlined in the Indictment filed 4/22/2025 _____.
- ☒ This was an initial appearance before this Court by Defendant _____.
- ☐ Defendant _____ waived Indictment.
- ☐ Waiver of Indictment executed by Defendant _____.
- ☒ Defendant _____ 1 _____ waived the public reading of the charging instrument.
- ☐ Defendant _____ was advised of, and acknowledged, the charges outlined in the charging instrument.
- ☒ The Government was advised of, and acknowledged, its obligation under F.R.Cr.P. Rule 5(f) and the Due Process Protections Act.
- ☒ A written order will be entered fully describing this obligation and the possible consequences of failing to meet it.
- ☒ Defendant _____ 1 _____ entered a plea of NOT GUILTY as to all counts of the charging instrument.
- ☐ The parties advised the Court of the status of the case.
- ☐ Defendant _____ consented to the exclusion of Speedy Trial time from _____ to _____ pursuant to Title 18, United States Code, Section 3161 _____.
- ☐ Defendant _____ did not consent to the exclusion of Speedy Trial time.
- ☐ The Court ordered the exclusion of Speedy Trial time from _____ to _____ pursuant to Title 18, United States Code, Section 3161 _____.
- ☒ The Court deemed, or previously deemed, this case COMPLEX and Speedy Trial time was excluded pursuant to Title 18, United States Code, Section 3161(h)(7)(B)(ii).
- ☐ The Court deemed, or previously deemed, this case TRIAL READY.
- ☐ The Court set the following pre-trial submission schedule:
- ☐ The Government shall turn over all 3500 material and 404(b) evidence to the defendant(s) by: _____
- ☐ Motion(s) in Limine and all supporting papers shall be filed by: _____
- ☐ Opposition(s) to Motions in Limine and all supporting papers shall be filed by: _____
- ☐ Reply(ies) to Motions in Limine and all supporting papers shall be filed by: _____
- ☐ Proposed voir dire questions and a brief case summary shall be filed by: _____
- ☐ Proposed exhibits and a witness list shall be filed by: _____
- ☐ Proposed jury charge and verdict sheet shall be filed by: _____
- ☐ The Court will not grant any extensions of the deadlines set forth above.
- ☐ The parties are directed to submit courtesy copies of their submissions in accordance with the Court's Individual Rules (see Rule IV).
- ☐ The parties are directed to e-mail copies of the proposed case summary, voir dire questions, witness list, jury charge, and verdict sheets in Word format to the Chambers e-mail at "Seybert_Chambers@nyed.uscourts.gov".
- ☐ The parties were directed to file a proposed pre-trial submission schedule on or before _____.
- ☐ The Court will enter a separate order outlining the pre-trial submission schedule.
- ☐ See Section VI and/or Section VII (page 7) for additional details and/or rulings.
- ☐ _____ Hearing held.
- ☐ Hearing held regarding _____.
- ☐ The parties presented their oral arguments to the Court.
- ☐ Witness(es) were called for the: ☐ Government; ☐ defendant(s).
- ☐ Exhibits were entered into evidence.
- ☐ The following briefing schedule was set:
- ☐ _____ shall file and serve the motion and all supporting papers by: _____
- ☐ _____ shall file and serve the opposition to the motion and all supporting papers by: _____
- ☐ _____ shall file and serve the cross-motion and all supporting papers by: _____
- ☐ _____ shall file and serve the reply and all supporting papers by: _____
- ☐ _____ shall file and serve the opposition to the cross motion and all supporting papers by: _____
- ☐ _____ shall file and serve the reply to the cross motion and all supporting papers by: _____
- ☐ The Court will not grant any extensions of the deadlines set forth above.
- ☐ The parties are directed to submit courtesy copies of their submissions in accordance with the Court's Individual Rules (see Rule IV).
- ☐ The parties were directed to file a proposed briefing schedule on or before _____.
- ☐ The Court will enter a separate order outlining the briefing schedule.
- ☐ The Court made the following ruling(s):
- ☐ GRANTED, as to: _____.
- ☐ DENIED, as to: _____.
- ☐ GRANTED, in part, as to: _____.
- ☐ Decision RESERVED, as to: _____.
- ☐ The Court's decision: ☐ was entered on the record; ☐ will be entered under a separate order.
- ☐ See Section VI and/or Section VII (page 7) for additional details and/or rulings.

- ☐ Curcio Hearing held as to Defendant _____.
☐ Attorney _____ (☐ Federal Defender ☐ CJA) was appointed to represent the defendant for purposes of this hearing.
☐ The parties presented their oral arguments to the Court.
☐ The defendant was informed of the potential dangers arising from any conflicts of interest with current defense counsel.
☐ The defendant acknowledged and waived any potential conflicts of interest and wishes to proceed with current defense counsel.
☐ The defendant requested that current counsel be relieved and:
☐ that the defendant will retain new counsel.
☐ The defendant must retain new counsel: ☐ by _____; ☐ within _____ of this hearing.
☐ that the Court appoint new counsel.
☐ The defendant completed and filed the CJA 23 Financial Affidavit for the Court's review.
☐ The Court's decision: ☐ was RESERVED; ☐ was entered on the record; ☐ will be entered under a separate order.
☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.
- ☐ Jury Selection/Voir Dire held.
☐ The Court ordered the jury to be: ☐ anonymous; ☐ sequestered; ☐ semi-sequestered; ☐ _____.
☐ The prospective jurors were sworn and given preliminary instructions by the Court.
☐ The prospective jurors were asked questions touching upon their qualifications to serve as jurors.
☐ A jury of _____, with _____ alternates, were selected and are satisfactory to all parties.
☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.
- ☐ Jury Trial held.
☐ A jury of _____, with _____ alternates, previously selected by _____, are satisfactory to all parties.
☐ The selected jurors were sworn as trial jurors.
☐ The jurors were given preliminary instructions by the Court.
☐ Opening statements were heard from the: ☐ Government; ☐ Defense Counsel.
☐ Witness(es) were called for the: ☐ Government; ☐ defendant(s).
☐ Exhibit(s) were entered into evidence.
☐ The Government rested its case.
☐ The defense rested its case.
☐ A Charge Conference was held with the Court and counsel.
☐ Summations were heard from the: ☐ Government; ☐ Defense Counsel; ☐ Government (*Rebuttal*).
☐ The Court charged the jury.
☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.
- ☐ Jury Deliberation held.
☐ The U.S. Marshal/Court Security Officer was sworn to monitor the jurors during deliberations.
☐ Jury Notes were received and marked as Court Exhibits.
☐ The Court instructed the jury to continue their deliberations pursuant to Allen v. United States (*Allen Charge*).
☐ The jury rendered the following verdict:
☐ _____ on Count(s): _____ as to Defendant _____.
☐ _____ on Count(s): _____ as to Defendant _____.
☐ _____ on Count(s): _____ as to Defendant _____.
☐ _____ on Count(s): _____ as to Defendant _____.
☐ The jurors were polled as to their verdict.
☐ The Verdict Sheet was received and marked as a Court Exhibit.
☐ The Court charged the jury on the forfeiture allegation count(s) and instructed them to continue their deliberations.
☐ Jury Notes were received and marked as Court Exhibits.
☐ The jury rendered their verdict regarding the forfeiture allegation count(s).
☐ The jurors were polled as to their verdict.
☐ The Special Verdict Sheet was received and marked as a Court Exhibit.
☐ The jurors, including alternates, were excused with the thanks of the Court.
☐ The Conviction Notification Form was executed and sent to the U.S. Probation Department.
☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.

- ☐ Plea Hearing held as to count(s) _____ of the _____-count _____.
- ☐ The Court's Standard Plea Form was executed by the parties.
 - ☐ The defendant was advised of, and acknowledged, the constitutional rights that will be waived when entering a plea of guilty.
 - ☐ The defendant withdrew previously entered not guilty plea and entered a plea of GUILTY to the above referenced count(s).
 - ☐ The Court found that there is a factual basis for the guilty plea and ACCEPTED the defendant's plea of guilty.
 - ☐ An Order of Forfeiture was executed.
 - ☐ The Court ordered the U.S. Probation Department to prepare and submit an EXPEDITED Presentence Investigation Report.
 - ☐ The parties consented to hold the preparation of the Presentence Investigation Report in ABEYANCE.
 - ☐ The Conviction Notification Form was executed and sent to the U.S. Probation Department.
 - ☐ The parties WAIVED the preparation of the Presentence Investigation Report.
 - ☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.
- ☐ _____ held as to count(s) _____ of the _____-count _____.
- ☐ The parties advised the Court that there are no objections or corrections to the Presentence Investigation Report.
 - ☐ Objections/Corrections to the Presentence Investigation Report were outlined on the record by: ☐ Defense Counsel; ☐ the Government.
 - ☐ The Court adopted the Presentence Investigation Report without change.
 - ☐ Changes to the Presentence Investigation Report were made by the Court as stated on the record.
 - ☐ Oral presentations to the Court were made by: ☐ Defense Counsel; ☐ the defendant; ☐ the Government.
 - ☐ Additional presentations were made to the Court by: ☐ the victim(s); ☐ _____; ☐ _____.
 - ☐ The defendant was sentenced to IMPRISONMENT for a total term of:
 - ☐ TIME SERVED. The post-sentencing report form was executed and sent to the U.S. Probation Department.
 - ☐ _____.
 - ☐ Upon release, the defendant shall be on SUPERVISED RELEASE for a total term of _____.
 - ☐ The defendant shall comply with the mandatory and standard conditions of supervision.
 - ☐ One or more of the mandatory/standard conditions of supervision were not ordered or were amended by the Court.
 - ☐ The defendant shall comply with the special conditions of supervision ordered by the Court.
 - ☐ The Court did not impose a term of Supervised Release.
 - ☐ The defendant was sentenced to PROBATION for a total term of _____.
 - ☐ The defendant shall comply with the mandatory and standard conditions of supervision.
 - ☐ One or more of the mandatory/standard conditions of supervision were not ordered or were amended by the Court.
 - ☐ The defendant shall comply with the special conditions of supervision ordered by the Court.
 - ☐ The defendant must pay the following criminal monetary penalties:
 - ☐ RESTITUTION in the amount of: \$ _____
 - ☐ An Order of Restitution was executed.
 - ☐ A FINE in the amount of: \$ _____
 - ☐ A SPECIAL ASSESSMENT fine in the amount of: \$ _____
 - ☐ An AVAA ASSESSMENT fine in the amount of: \$ _____
 - ☐ A JVTA ASSESSMENT fine in the amount of: \$ _____
 - ☐ The interest requirement on any of the criminal monetary penalties:
 - ☐ was ordered on the amounts of more than \$2,500.00.
 - ☐ was modified by the Court as stated on the record.
 - ☐ was waived/not ordered/not applicable.
 - ☐ Restitution: ☐ was not ordered or not applicable; ☐ was paid in full prior to sentencing.
 - ☐ A fine and/or other assessment: ☐ was not ordered or not applicable; ☐ was paid in full prior to sentencing.
 - ☐ The determination of Restitution and/or a fine was deferred pending further proceedings or by further motion to the Court.
 - ☐ The Order of Forfeiture dated _____ was adopted as the Final Order of Forfeiture and will be included as part of the judgment.
 - ☐ An Order of Forfeiture was executed and will be included as part of the judgment.
 - ☐ All other conditions shall remain in effect as previously ordered by the Court on _____.
 - ☐ The defendant's RIGHT TO APPEAL the Court's sentence:
 - ☐ was waived (*pursuant to the Plea/Cooperation Agreement, or as stated on the record*).
 - ☐ is preserved. The defendant may file an appeal within fourteen (14) days of the date that the judgment is entered, not filed.
 - ☐ All open counts in the outstanding charging instrument(s) were dismissed on the motion of the United States.
 - ☐ See Section VI and/or Section VII (*page 7*) for additional details and/or rulings.

IV. RULINGS MADE REGARDING DEFENDANT RELEASE STATUS:

- ☒ Detention Hearing held.
- ☐ Defendant _____ did not present a bond application to the Court.
- ☐ An Order of Detention was executed as to Defendant _____.
- ☐ An Order Scheduling a Detention Hearing was executed as to Defendant _____.
- ☒ The bond application/modification was GRANTED as to Defendant _____ 1 _____.
- ☒ An Order Setting Conditions of Release and Bond was executed as to Defendant _____ 1 _____.
- ☐ The conditions of release were modified as to Defendant _____, as stated on the record.
- ☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- ☐ The bond application/modification was DENIED as to Defendant _____.
- ☐ An Order of Detention was executed as to Defendant _____.
- ☐ The Government moved for immediate detention of Defendant _____.
- ☐ The motion was ☐ GRANTED; ☐ DENIED; ☐ GRANTED, in part.
- ☐ An Arrest Warrant was executed as to Defendant _____.
- ☐ An Order of Detention was executed as to Defendant _____.
- ☐ The conditions of release were modified as to Defendant _____, as stated on the record.
- ☐ An amended Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- ☐ The decision regarding the bond or detention application was RESERVED.
- ☐ An Order Scheduling a Detention Hearing was executed as to Defendant _____.
- ☐ A temporary Order Setting Conditions of Release and Bond was executed as to Defendant _____.
- ☐ See Section VI and/or Section VII (page 7) for additional details and/or rulings.

For a defendant currently IN-CUSTODY:

- ☐ Defendant _____ remain(s) in custody.
- ☐ The following orders were executed and shall be forwarded to the U.S. Marshals Service and/or the Federal Bureau of Prisons:
- ☐ A Medical Evaluation Order as to Defendant _____.
- ☐ A Competency Order as to Defendant _____.
- ☐ A Force Order as to Defendant _____.
- ☐ The defendant, being sentenced to TIME SERVED (*time in-custody prior to sentencing/re-sentencing*), shall be RELEASED, FORTHWITH.
- ☐ A Time Served Order was executed and submitted to the U.S. Marshals Service.
- ☐ The defendant will be under supervision of the U.S. Probation Department until the completion of the ordered term of Supervised Release.
- ☐ The defendant will not serve a term of Supervised Release.

For a defendant currently AT LIBERTY:

- ☐ Defendant _____ remain(s) on bond.
- ☐ The defendant, being sentenced to a TERM OF IMPRISONMENT, shall be IMMEDIATELY REMANDED to the custody of the U.S. Marshals Service and/or the Federal Bureau of Prisons.
- ☐ The defendant, being sentenced to a TERM OF IMPRISONMENT, shall surrender for the service of the sentence before 2:00 PM on _____ at the institution designated by the Federal Bureau of Prisons. The defendant will REMAIN AT LIBERTY and under supervision of the Pretrial Services Department until the ordered surrender date.
- ☐ The U.S. Marshals Voluntary Surrender form was executed.
- ☐ Any motion to extend the surrender date must be made at least a thirty (30) days prior to the ordered surrender date.
- ☐ The defendant was advised that there will be no extensions of the surrender date.
- ☐ The defendant, being sentenced to a TERM OF PROBATION, will REMAIN AT LIBERTY and under supervision of the U.S. Probation Department until the completion of the ordered term of Probation.
- ☐ The defendant, being sentenced to TIME SERVED (*time in-custody prior to being released*), shall REMAIN AT LIBERTY and under supervision of the U.S. Probation Department until the completion of the ordered term of Supervised Release.
- ☐ The defendant, being sentenced to TIME SERVED (*time in-custody prior to being released as well as time under supervision*), SHALL BE RELEASED FROM ALL CONDITIONS OF SUPERVISION, FORTHWITH.

V. FURTHER PROCEEDINGS SET:

☐ No further proceedings have been set at this time for Defendant _____.

☒ The following proceeding has been set for Defendant 1 _____:

☒ Status Conference _____ is set for **8/5/2025** at **10:30 AM** before Judge Joanna Seybert _____, in Courtroom 1030 _____.

☐ The Government's sentencing memorandum is due by: _____

☐ The defendant's sentencing memorandum is due by: _____

☐ Additional details regarding the proceeding set:

☐ The following proceeding has been set for Defendant _____:

☐ _____ is set for _____ at _____ before _____, _____.

☐ The Government's sentencing memorandum is due by: _____

☐ The defendant's sentencing memorandum is due by: _____

☐ Additional details regarding the proceeding set:

☐ The following proceeding has been set for Defendant _____:

☐ _____ is set for _____ at _____ before _____, _____.

☐ The Government's sentencing memorandum is due by: _____

☐ The defendant's sentencing memorandum is due by: _____

☐ Additional details regarding the proceeding set:

☐ The following proceeding has been set for Defendant _____:

☐ _____ is set for _____ at _____ before _____, _____.

☐ The Government's sentencing memorandum is due by: _____

☐ The defendant's sentencing memorandum is due by: _____

☐ Additional details regarding the proceeding set:

☐ The parties are directed to file their sentencing memoranda in accordance with the Court's Individual Rules (see Rule VII(D)(2)).

☐ The Court ordered one or more of the proceedings above to be held telephonically. The parties are directed to initiate a conference call among themselves, then they are to call the Court's Courtroom Deputy at the following number: **631-712-5615**.

☐ The Court ordered one or more of the proceedings above to be held by video, **via ZoomGov**. The parties on the case will be sent a separate notice by the Court's Courtroom Deputy with instructions on how to log into the video meeting as the scheduled date for the proceeding approaches.

☐ See Section VI and/or Section VII (*page 7*) for additional details regarding the proceeding(s) set.

VI. OTHER RULINGS MADE DURING THE PROCEEDINGS:

☐ **The record of this proceeding was ordered SEALED.** Transcripts of this proceeding can be made available to the Court, the defendant(s), defense counsel, and the Government **ONLY**. Any other non-party must file a written request to the Court for permission to receive a copy of the transcripts.

☐ The Court made the following rulings:

VII. ADDITIONAL RULINGS:

☐ The Court makes the following additional rulings (*not addressed during the proceedings*):